IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWELFTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI JUSTICE GODA RAGHURAM

WRIT PETITION NO : 7059 of 1996

Between:

Smt.Rahmat Begum, w/o. late syed Qumeer, working as waiter in ladies hostel, Osmania University, Hyderabad.-07

..... PETITIONER

AND

1 The Chief Warden, Hostels & Messes, Osmania University, Hyderabad-7
2 The Joint Registrar (Admn), Osmania University, Hyderabad-7
3 The Vice- Chancellor, Osmania University, Hyderabad-7

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court will be pleased to pleased to issue a writ of Mandamus or any other appropriate writ or direction directing the respondents to regularise the services of the petitioner with effect from the date her juniors were regularised with all the consequential benefits and be pleased to pass such other orders.

Counsel for the Petitioner: MR.SANKA RAMAKRISHANA RAO

Counsel for the Respondent Nos.1 to 3: MR.K.RAMAKANTH REDDY

The Court made the following :

ORDER:

Seeking regularization of services with effect from the date the juniors to the petitioner were regularized and for consequential benefits on that basis, the writ petition is filed.

The Chief Warden, Hostels & Messes, Osmania University, the Joint Registrar (Adminstration) Osmania University, and the Vice Chancellor, Osmania University, Hyderabad have been impleaded as respondents to the writ petition. The authorized representative-the Registrar of the University is not impleaded as a respondent.

According to the petitioner, she was working in the hostel of Osmania University since September 1981 as a casual employee on a consolidated wage of Rs.100/- p.m. and her services were discontinued during summer vacation.

It is stated by the learned counsel for the petitioner that since 1987, the petitioner was discontinued from service and has not been paid wages. However, the petitioner has been attending to the work in the hostels as she was getting free meals for doing such work. It is further stated that the petitioner made representations in the years 1994 and 1995 seeking reinstatement and regularization of her services. As the respondents had not moved in the matter, she filed the present writ petition.

The Registrar of the Osmania University has filed a counter-affidavit pointing out that the University was not impleaded as a party. It is also stated that as on date, the petitioner is not on the rolls of the University either on a permanent or daily wage basis. It is further stated that on verification of the records, it is seen that the petitioner was engaged purely on a casual basis on payment of Rs.100/- without any allowances during the period 1-12-1980 to 31-12-1980 and 17-2-1981 to 30-4-1981. Thereafter, she was engaged once again on a casual basis for a monthly remuneration of Rs.180/- p.m. and since 30-9-1983, the petitioner never worked in

any capacity in the University. Her services on casual basis were discontinued with effect from 30-9-1983. In short, the University contends that the petitioner is not entitled to the relief sought in the writ petition.

Heard Mr.Sanka Ramakrishna Rao, the learned counsel for the petitioner and Mr.Deepak Bhattacharjee, counsel for the respondents.

At the out set, it is to be noticed that the petitioner has not denied any of the allegations made in the counter affidavit. Nearly for 12 years after dis-engagement from service, the petitioner did not choose to file any application and it is only in the year 1996 that she filed the present writ petition without impleading the Osmania University represented by its Registrar as a party respondent. None of the respondents impleaded herein to represent the University and the 3rd respondent-Vice Chancellor is in no way concerned with the *ex-facie* grievance of the petitioner.

The writ petition is hopelessly barred by delay and laches. The writ petition is also not maintainable for not impleading proper and necessary party representing the Osmania University. No legal facts are also pleaded setting out the entitlement of the petitioner to any other post in the University.

The writ petition is misconceived and it is accordingly dismissed. No costs.

12-08-2004

rkk

Sd/-K. VIVEKANAND,

ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER.

To

1 The Chief Warden, Hostels & Messes, Osmania University, Hyderabad-7
2 The Joint Registrar (Admn), Osmania University, Hyderabad-7
3 The Vice- Chancellor, Osmania University, Hyderabad-7

4. Two CD copies.

Kul.

Dt: 12-8-2004

Order

W.P.no. 7059 of 1996

Dismissing the W.P. without costs.